

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KAREENA BOKO,

Plaintiff,

vs.

CREDIT BUREAU SERVICES, INC.,

Defendant.

8:17CV3150

ORDER

This matter is before the Court on plaintiff Kareena Boko's ("Boko") Notice of Voluntary Dismissal Without Prejudice (Filing No. 14). According to Boko, she "has elected to dismiss the Complaint against" defendant Credit Bureau Services, Inc. ("Credit Bureau") without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) with each party to "pay their own attorney fees and costs."

Credit Bureau does not oppose dismissal altogether but aptly notes it filed an answer on November 27, 2017, ending Boko's right to voluntarily dismiss her case without first obtaining either Credit Bureau's agreement or a court order. *See* Fed. R. Civ. P. 41(a). Credit Bureau asserts this case should be dismissed with prejudice and asks the Court to order Boko to file a Motion for Voluntary Dismissal to which Credit Bureau can fully respond.

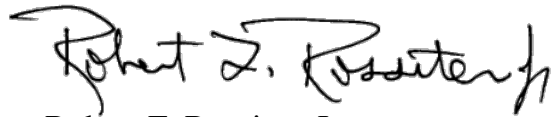
Because Credit Bureau filed an answer and does not join in Boko's request for nonprejudicial dismissal, the Court will construe Boko's notice of voluntary dismissal as a request for dismissal under Rule 41(a)(2), which states "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Boko shall have until August 2, 2018, to file a brief in support of her motion to dismiss and any

supporting materials.¹ Credit Bureau will then have twenty-one days in which to file a response, and Boko will thereafter have seven days to file any reply. *See* NECivR 7.1.

IT IS SO ORDERED.

Dated this 12th day of July 2018.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge

¹This order does not preclude Boko from withdrawing her request.